761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: August 8, 2005

FILE NO.: #2114392

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

SERGEANT THRALL #[redacted]

DEPUTY SCHULTZ #[redacted]

DEPUTY MAYBERRY #[redacted]

DEPUTY TOBIN #[redacted]

DEPUTY [redacted] #[redacted]

On March 18, 2004, Deputies Schultz #[redacted] Mayberry #[redacted] Tobin #[redacted] #[redacted] and Sergeant Thrall #[redacted] were in an undercover surveillance van driving by a location when they spotted a male who had and outstanding warrant. As they stopped and exited the van the suspect pulled a gun from his waistband and pointed it at the deputies. The deputies fired at the suspect, striking him twice in the lower body. No deputies were injured.

On July 28, 2005, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; MMP § 3-01/025.30, Use of Firearms and Deadly Force, 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, 3-01/025.10, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Schultz #[redacted] Mayberry #[redacted] Tobin #[redacted] [redacted] #[redacted] and Sergeant Thrall #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident was within Department Policy.

Johnny G. Jurado, Commander

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BOOK I - LASD HOMICIDE SHOOTING BOOK

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 03-18-2004	Bureau/Station/Facility: OSS, Century GET	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 004-04834-2872-055	Date: 03-18-04	Time: 1830 Hours

City or Station: Compton

Location: [redacted] Standford Avenue Compton, 90022

Nature of Incident: Uniformed GET team Deputies were inside of an unmarked Sheriff's Department undercover van. The van stopped in front of the location. The suspect, who was standing outside, pointed a handgun at the deputies as they were exiting the van.

Location Type (circle one or more): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence**, Rural, School, Street, Other: ____

Lighting (circle only one): Darkness, **Daylight**, Other, Street Lights

Weather (circle only one): **Clear**, Cloudy, Fog, Rain

Distance: 10-15 feet

Incident Type (circle one or more): Accidental, **Armed Person**, **Fleeing Suspect**, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (circle only one): Arrest Warrant, Call, Observation, One Person Unit, **Other**, Search Warrant, Two Person Unit

Prior Activity (circle only one): **Detective**, Inmate Transport, Other, Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
14	None

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	POHL	JEFFERY		EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	MORSE	FREDRICK		EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	BAYES	ROBERT		EM **PM** Day	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(circle one or more)
[redacted]	THRALL	JOHAAN	W.	**On Duty**, **Present during shooting**, Witness to shooting, **Involved in shooting**
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.

PSTD Use Only

SH # ____________

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 004-04834-2872-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
03-18-04	1948		

Employee #	Last Name	First Name	M.I.
[redacted]	Harris	John	W.
[redacted]	Key	Gregory	L.
[redacted]	Jennings	Rickey	D.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S #1	E # 1	FH	ZZ	40			NN	
S #1	E # 2	FH	ZZ	40			NN	
S #1	E # 3	FH	ZZ	40			NN	
S #1	E # 4	FH	ZZ	40			NN	
S #1	E # 5	FH	ZZ	40			NN	
E #1	S #1	FH	BR	9	Y	Y	GS	
E #2	S #1	FH	BR	9	Y	Y	GS	
E #3	S #1	FH	BR	9	Y	Y	GS	
E #4	S #1	FH	BR	9	Y	Y	GS	
E #5	S #1	FH	BR	9	Y	Y	GS	

Officer Involved Shooting
Involved Employee Informatio

URN: 004-04834-2872-055

Involved Employee

E 1

Employee # [redacted]	Last Name SCHULTZ	First Name MARC	M.I. W.
Sex: M Race: Cauc.	Rank Deputy Sheriff	Unit Assignment: OSS	Work Assignment (Unit #, Module, etc.): Century-GET
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 5' 9'	Weight: 190		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name THRALL	First Name JOHANN	M.I. W.
Sex: M Race: Cauc.	Rank Sergeant	Unit Assignment: OSS	Work Assignment (Unit #, Module, etc.): Century-GET
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 6' 02"	Weight: 220		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 3

Employee # [redacted]	Last Name MAYBERRY	First Name THOMAS	M.I. R.
Sex: M Race: Cauc.	Rank Deputy Sheriff	Unit Assignment: OSS	Work Assignment (Unit #, Module, etc.): Century-GET
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 5' 11"	Weight: 185		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 004-04834-2872-055

Involved Employee

E 4

Employee # [redacted]	Last Name TOBIN	First Name DANIEL	M.I. J.
Sex: M Race: Cauc.	Rank Deputy Sheriff	Unit Assignment: OSS	Work Assignment (Unit #, Module, etc.): Century-GET
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 5' 9"	Weight: 165		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted] Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted]	Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 5

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: [redacted] Race: [redacted]	Rank [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted]	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: [redacted]	Weight: [redacted]		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted] Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted]	Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐ Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐	Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 004-04834-2872-055

Suspect Information

S__			
Last Name NEAL		First Name JAMAAL	M.I. D.
AKA Last Name		First Name	M.I.
Sex: M Race: black	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 26 D.O.B. 01-24-78	Height: 5' 05 Weight: 145	FBI # [redacted]	CII # [redacted]
Booking # 8055279	Primary Charge: 664/187 PC	Secondary Charge: 245(D)(2) PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__			
Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__			
Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__			
Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

INVESTIGATIVE NARRATIVE

City of Compton
On Duty, Hit Shooting
03-18-04 (Thursday) 1830 Hours
File # 004-04834-2872-055

On Thursday, March 18, 2004, Sergeant Harris, Sergeant Key and Lieutenant Jennings of Internal Affairs Bureau responded to the City of Compton after being notified that Gang Enforcement Team (GET) deputies had been involved in an on-duty shooting, in which the suspect was wounded.

Synopsis

Deputy Schultz of Century Station Gang Enforcement Team had received information from a [redacted] that individuals known as "[redacted]" and "[redacted]" were hanging out in front of the apartments at [redacted] Standford Avenue with other [redacted] gang members. Deputy Schultz knew "[redacted]" from prior contacts as [redacted] and that he was a named suspect for a prior narcotics violation. According to the [redacted] "[redacted] stayed in apartment #[redacted] and possibly had a shotgun and a 9mm handgun in the apartment. Deputy Schultz knew "[redacted]" as [redacted] a member of the Campanella Park Piru gang.

Deputy Schultz briefed the team Sergeant, Sergeant Thrall and the other members of the team. They decided to drive by the location in an unmarked Sheriff's Department van, driving south on Standford Avenue. Simultaneously two additional team deputies were to drive northbound on Standford Avenue in a marked Sheriff's patrol car. The idea being that anybody standing outside of the location would focus their attention on the marked radio car while the van completed its surveillance of the location.

Deputy [redacted] was designated as the van driver, with Deputies Schultz, Mayberry,Tobin, Bayes and Sergeant Thrall inside of the van. Deputies Morse and Pohl were assigned to the marked black and white radio car.

As they neared the apartments Deputies [redacted] told Deputy Schultz that he saw four males standing in front of the apartments. Deputy Schultz moved the curtain and looked out the rear passenger window of the van. Deputy Schultz saw the individual he recognized as "[redacted]" standing with the group of individuals. Deputy Schultz told Deputy [redacted] to stop the van, that they were going to detain the individuals and arrest "[redacted]"

As the door opened, Deputy Schultz saw one of the individuals (later identified as Suspect Neal) reach into his waist band and start to walk northbound away from the others. Deputy Schultz yelled at the group of men, "Sheriff's Department, let me see your hands, Sheriff's Department, let me see your hands." Suspect Neal looked directly at him, raised his right hand as he pulled a handgun out of his waistband and started firing in Schultz's direction. Schultz said the suspect's right arm was extended and had turned the gun sideways, firing at them, as he ran northbound. Deputy Schultz said Suspect Neal was approximately 10-15 feet away from the van and that the suspect fired 3-4 shots.

> ***IAB Note:*** The loaded weapon was recovered with the slide forward and the safety was in the off position. The magazine was loaded to it's full capacity with 10 live rounds. Inspection revealed that the suspect's weapon had not been fired. There wasn't a round in the chamber which prevented the weapon from being fired.

Deputy Schultz removed his gun out of his holster, dove out of the van, and fired at the suspect. Deputy Schultz looked up and saw two of the gang members that had been standing outside near the stairs, run into apartment #[redacted] and that '[redacted]' was on the ground. Deputy Schultz said that he ordered '[redacted]' to stay on the ground and focused his attention on apartment #[redacted]

The deputies inside of the van exited behind Deputy Schultz and also engaged the suspect The deputies fired their weapons striking Suspect Neal twice in the lower body.

> ***IAB Note:*** Suspect Neal suffered a gun-shot wound to his left scrotum, which resulted in a orchiectomy being performed. Suspect Neal also suffered a gunshot wound to his right thigh. (Refer to Medical History included in the Homicide Bureau Shooting Investigation for additional information).

He was taken into custody without further incident. The remaining three males were also detained. No deputies were struck; however, Deputy Schultz sustained a minor leg abrasion as he dove for cover. He was treated and released from a local hospital.

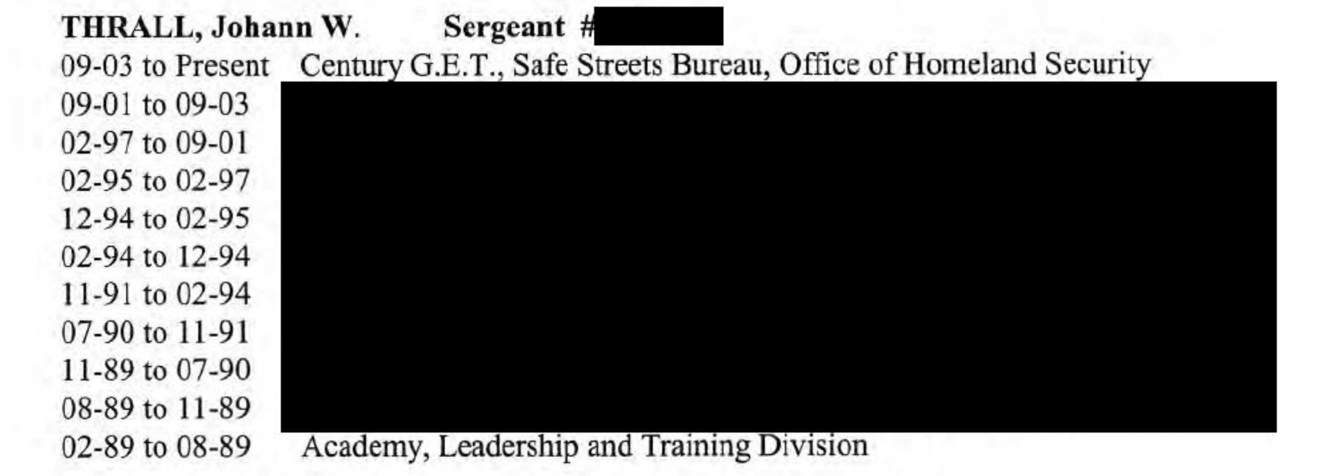
Suspect Neal was transported to Martin Luther King Hospital where he was treated for two gunshot wounds and transferred to Los Angeles County/USC Medical Center Jail Ward for booking.

Involved Personnel

SCHULTZ, Marc W. **Deputy #**[redacted]

07-01 to Present Century G.E.T., Safe Streets Bureau, Office of Homeland Security
01-01 to 07-01 [redacted]
01-97 to 01-01 [redacted]
05-90 to 01-97 [redacted]
01-90 to 05-90 Academy, Leadership and Training Division

Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]
Date Employee Last Qualified: [redacted]
Date Last Trained with Weapon: [redacted]
(Fired five rounds of Department issued 9mm ammunition from a Department issued Beretta, Model 92F, 9mm, semiautomatic pistol).



THRALL, Johann W. **Sergeant #**[redacted]

09-03 to Present Century G.E.T., Safe Streets Bureau, Office of Homeland Security
09-01 to 09-03 [redacted]
02-97 to 09-01 [redacted]
02-95 to 02-97 [redacted]
12-94 to 02-95 [redacted]
02-94 to 12-94 [redacted]
11-91 to 02-94 [redacted]
07-90 to 11-91 [redacted]
11-89 to 07-90 [redacted]
08-89 to 11-89 [redacted]
02-89 to 08-89 Academy, Leadership and Training Division

Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]
Date Employee Last Qualified: [redacted]
Date Last Trained with Weapon: [redacted]
(Fired three rounds of Department issued 9mm ammunition from a Department issued Beretta, Model 92F, 9mm, semiautomatic pistol).

MAYBERRY, Thomas R. **Deputy #**[redacted]
11-01 to Present Century G.E.T., Safe Streets Bureau, Office of Homeland Security
08-01 to 11-01 [redacted]
08-97 to 08-01
08-91 to 08-97
06-91 to 08-91
04-91 to 06-91

Prior Shooting Incidents: 11-13-03
Prior Founded Force Incidents: [redacted]
Date Employee Last Qualified: [redacted]
Date Last Trained with Weapon: [redacted]
(Fired two rounds of Department issued 9mm ammunition from a Department issued Beretta, Model 92F, 9mm, semiautomatic pistol).

TOBIN, Daniel J. **Deputy #**[redacted]
11-01 to Present Century G.E.T., Safe Streets Bureau, Office of Homeland Security
03-01 to 11-01 [redacted]
12-98 to 03-01
05-92 to 12-98
12-91 to 05-92 Academy, Leadership and Training Division

Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]
Date Employee Last Qualified: [redacted]
Date Last Trained with Weapon: [redacted]
(Fired one round of Department issued 9mm ammunition from a Department issued Beretta, Model 92F, 9mm, semiautomatic pistol).

[redacted] **Deputy #**[redacted]


[redacted]

[redacted] (Continued)
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]
Date Employee Last Qualified: [redacted]
Date Last Trained with Weapon: [redacted]
(Fired three rounds of Department issued 9mm ammunition from a Department issued Beretta, Model 92F, 9mm, semiautomatic pistol).

Suspect

NEAL, Jamaal David 01-24-1978
[redacted]

Several phone calls where made to the above phone number and messages were left for Jamaal Neal, with a person who identified himself as Jamaal's [redacted] and also with Jamaal's [redacted] I explained the reason for my call and that I was interested in hearing Jamaal's side of the story. I also told Mrs. [redacted] that if Jamaal felt more comfortable we could talk over the phone, or have a 3rd party present. To date, Suspect Neal has not returned any of the phone calls.

> ***IAB Note:*** On May 6, 2004, Daniel G. Davis, Attorney at Law, filed a claim for damages against the County of Los Angeles, on behalf of Jamaal Neal.

Suspect Neal's Criminal History

- [redacted]

Weapon Used by the Suspect: Suspect Neal was armed with a handgun described as, "MGN" Israeli made by "Baby Desert Eagle" Semi-Automatic 40 Caliber pistol, with a 4 inch barrel and a black finish, serial # [redacted] (Registered to Jamaal David Neal) with a ten round maximum capacity magazine, loaded to capacity with ten (10) live 40 caliber Smith and Wesson rounds of ammunition. An inquiry into Automate Firearm System revealed that Neal purchased the weapon on 04-04-2003. (Refer to Miscellaneous Documents, AFS Printout)

Employee Witnesses

The following involved deputies were interviewed by Internal Affairs Bureau investigators in regards to a "Shooting Review." Their interviews were digitally recorded and stored as a permanent record in a "Wave File" format. The following represents a summary of those interviews.

SCHULTZ, Marc W. Deputy #[redacted] 1-25-04 1036 Hours

Deputy Schultz said that he received information from a [redacted] that individuals known as "[redacted]" and "[redacted]" were hanging out in front of the apartments at [redacted] with other Campanella Park Piru gang members. Deputy Schultz knew "[redacted] as [redacted] a named suspect from a prior narcotics investigation.

> *IAB Note:* According to Deputy Schultz GET deputies had served a search warrant on [redacted] residence and had seized narcotics. [redacted] was not at the location at the time of service.

According to the [redacted] "[redacted]" stayed in apartment #[redacted] and possibly had a shotgun and a 9mm handgun in the apartment. Deputy Schultz knew "[redacted]" as [redacted] a Campanella Park Piru gang member.

Deputy Schultz briefed the team sergeant, Sergeant Thrall, and the other members of the team. Deputy Schultz said they met in the detective bureau kitchen at Century Station were he briefed his fellow team members. He drew the streets on the dry erase board and formulated a plan. They decided to drive by the location in an unmarked Sheriff's Department van and would make their approach by driving south on Standford Avenue.

> *IAB Note:* The unmarked van was assigned to the Century Station narcotics crew and had been borrowed before by the GET team for similar missions. It was tan in color and non-descript looking. It had curtains covering the windows so that persons could not see inside of the van.

Simultaneously Deputy Morse and Pohl were to drive slowly northbound on Standford Avenue in a marked Sheriff's patrol car. The idea being that anybody standing outside of the location would focus their attention on the marked radio car, so that the van could get closer to the location, without being noticed.

Deputy Schultz explained the mission; If they saw the individual know as "[redacted]" outside of the location, they would attempt to arrest him or if "[redacted]" was outside they would do a field interview on him. If "[redacted] or "[redacted]" were not there, they would get a description of the location for a possible search warrant to be served at a later date for the guns in apartment #[redacted]

Absent "[redacted] and "[redacted] being at the location, they would continued driving south on Standford Avenue and take no action.

Deputy [redacted] was designated as the van driver, with Deputies Schultz, Mayberry, Tobin, Bayes and Sergeant Thrall inside of the van. Deputies Morse and Pohl were also briefed as to their assignment and radio frequency.

Additionally all deputies were given specific tasks in the briefing by Deputy Schultz, such as order of exiting the van, van door man, hot radio man, prisoner transport, area hospitals and notifications. Deputy Schultz said that the mission was thoroughly briefed and all of the deputies knew their assignments. Deputy Schultz said that because they had used the van before the team felt very comfortable in using it. Deputy Schultz said that the team was shown photos of both "[redacted]" and "[redacted]" and had reviewed their prior criminal history.

In response to a direct question, Deputy Schultz said the team sergeant, Sergeant Thrall was present for the briefing and approved the mission. Schultz said the plan did not call for the approval of their lieutenant.

> ***IAB Note:*** The location of the shooting was the "[redacted]" at [redacted] South Standford Avenue, consisting of several two story apartment structures, which are constructed of beige stucco and light-green wood trim and are located on the west side of Standford Avenue. There are single family residences north and south of the complex. Across the street (east) are vacant dirt and grassy lots which comprise the Edison easement, where high tension wires, run along the lots north and south. The apartment of concern is situated in the middle of the complex, ground level and is numbered #[redacted] A stair case with black wrought iron rails and concrete steps leads to the upstairs apartments, above apartment #[redacted] A group of four male adults, including the suspect, were standing outside near the steps when the undercover van approached.

As they approached the apartments Deputies [redacted] told Deputy Schultz that he saw four males standing in front of the apartments. Deputy Schultz moved the curtain and looked out the rear passenger window of the van. Deputy Schultz saw the individual he recognized as "[redacted] standing with the individuals. Deputy Schultz told Deputy [redacted] to stop the van, that they were going to detain the group and arrest "[redacted]" Deputy Mayberry pulled open the sliding door and held it in place so that the team members could exit the van.

When the van stopped, Deputy Schultz was the first deputy out of the van, exiting the van, by diving out of it. Deputy Schultz said that when the van stopped, it was almost directly in front of Suspect Neal. Schultz said that before the van door was opened, his weapon was holstered. Deputy Schultz said Deputy Mayberry pulled the van door open and saw through the van window, Suspect Neal reach into his waistband, pulled out a gun and was pointing it at the van.

As the door was opening, Schultz said he saw the gun was pointed directly at him and that he dove out of the van and the shooting occurred. Schultz said that his head was the first part of his body out of the van followed by his gun arm being extended and then his other arm to break his fall. Schultz said he was in full uniform and yelled "Sheriff's Department" Schultz said, "I saw a gun pointing at me, he (Neal) was pulling the trigger, as I stated before, I saw muzzle flash, I saw the gun recoil and I believed I was going to be shot, being the first person out of the van."

IAB Note: As noted earlier, it was later determined that Suspect Neal had not fired his weapon.

Deputy Schultz was asked if Deputy [redacted] could have just driven out of the kill zone? Schultz said the door on the van was opened and that he could have possibly been run over or other team members could have fallen out. He said that driving out of the kill zone was not an option and Neal could have fired on the van as it was leaving, striking the team members inside.

IAB Note: Deputy Schultz described the suspect as holding the weapon "Gangster Style" or sideways, with the weapon turned so that weapon was pointed with the weapon sights on the side.

Schultz believes the suspect was approximately 10-15 feet away from the van and that the suspect fired 3-4 shots. Deputy Schultz said that he heard the gunshots and saw the muzzle flash as the suspect ran north across the front lawn of the apartment complex.

IAB Note: The loaded weapon was recovered 60' 3" north of the N/C/L of Clymar Avenue and 1' west of the W/C/L of Standford Avenue. The slide was forward, the safety was in the off position and 10 live rounds were in the magazine. (Refer to **Exhibit B**, for addition information

Deputy Schultz looked up and saw two of the gang members that had been standing outside near the stairs, run into apartment #[redacted] and that '[redacted]' was on the ground. Deputy Schultz said that he ordered '[redacted]' to stay on the ground and focused his attention on apartment #[redacted].

The additional team deputies that were inside of the van exited behind Deputy Schultz and also engaged the suspect (later identified as Jamaal Neal). The deputies fired their weapons striking Suspect Neal twice in the lower body.

IAB Note: Deputy Robert Bayes was the last deputy to exit the van and did not fire his weapon.

Deputy Schultz sustained a minor leg abrasion as he dove for cover and believed that he had suffered a grazing gun shot wound by Neal.

IAB Note: Homicide Investigators noted in their interview that Deputy Schultz's left pant leg was torn and that an abrasion to his left knee that was bleeding. Investigators also saw an abrasion to Deputy Schultz's right knee and the knuckles of his right hand. The knuckles of his right hand were also red and swollen.

THRALL, Johann W. **Sergeant #[redacted]** **03-02-005** **1409 Hours**

Sergeant Thrall said that his team was briefed by Deputy Schultz on the information that he had received regarding '[redacted] and "[redacted]' Sergeant Thrall said that Deputy Schultz was interested in gathering information for a future search warrant, which included contacting gang members that were outside of the apartment. Sergeant Thrall said that the operational plan called for the use of two vehicles, one being a radio car and the other an unmarked Sheriff's uncover van.

Sergeant Thrall said the plan called for the radio car and uncover van, to pass each other simultaneously on Standford Avenue, with the van driving southbound and the radio car driving northbound on Standford Avenue. If any individuals were observed standing in front of the complex, the deputies inside of the van would have the element of surprise and could approach them safely.

Sergeant Thrall said that mission was well planned and briefed by Deputy Schultz, with the purpose being basically a scouting mission for a future search, with '[redacted]' and '[redacted] being persons of interest. Using a chalk board in the kitchen, they laid out streets and described individuals that were either wanted or needed to be identified. He said the police car was used as a diversion and also for its presence, if they made arrests. Sergeant Thrall said it wasn't a "High Risk Mission" and that they spent at least half an hour going over the scouting mission. Sergeant Thrall said that all of the deputies were throughly briefed and that they understood their mission. He said that the mission did not require prior approval, as it was basically a scouting mission. Sergeant Thrall said that Jamaal Neal's name was never mentioned at the briefing and Neal was unknown to the team prior to the incident.

Sergeant Thrall was the second person to exit the van and saw a group of males standing in front of the apartment complex. He said that he saw the males turn and look at the van and that one of the males reached into his waistband, removed a black handgun and point it directly at the surveillance van. He said at the same time, the van door was opened and that he and Deputy Schultz yelled out, "Sheriff's Department," and exited the van with their firearms drawn.

Sergeant Thrall said that the male with the handgun looked directly at him, pointed the handgun at him and fired. Sergeant Thrall said that the suspect was approximately 15 to 20 feet away from him and that th suspect held the gun "Gangster style." Sergeant Thrall said that he saw the suspect pulling the trigger of his gun and saw the muzzle flash. Sergeant Thrall said that fearing for his life, he immediately returned fire. He said that he was positioned along the passenger side of the van, just to the rear of the sliding door.

When Sergeant Thrall first observed the suspect armed with a handgun, the suspect continually moved across the lawn of the apartment complex, across the sidewalk and grass parkway and ultimately ended up in the roadway, north of the apartment complex. Sergeant Thrall said that the entire time, the suspect never dropped his weapon.

Sergeant Thrall said that he believes he fired two to three rounds from his service weapon and that the suspect fired six to eight times at the deputies. Sergeant Thrall said that at the time he was very surprised that no one on his team had been shot.

MAYBERRY, Thomas R. Deputy #[redacted] 01-25-2005 1142 Hours

Deputy Mayberry corroborated earlier statements made by Deputy Schultz and Sergeant Thrall as to the contents of the briefing and the teams mission. Deputy Mayberry said that he was the "#3 guy" in the van and it was his job to open the van door and keep the door from sliding shut on other team members as they exited the van. Also if additional back-up or assistance was needed, he was the designated radio man.

As they arrived at the apartment complex, he saw a group of five individuals standing outside, in front of apartment #[redacted] Deputy Mayberry recognized one of the individuals as "[redacted]" and that Deputy Schultz made the decision that they would stop the van and contact the individuals.

Deputy Mayberry said that as he opened the right side passenger sliding van door, he saw one of the individuals (Suspect Neal) reach into his waistband, remove a black pistol and begin running north across the grass toward the sidewalk. As he opened the van door completely, he saw the suspect raise the gun toward the van and then shoot. He saw what he believed to be a muzzle flash from the suspect's gun at the time.

He said the suspect continued to run north bound with his right arm up and the gun extended toward them. The suspect crossed the sidewalk and the parkway headed toward the street. Suspect Neal continued toward the street, with his right arm up and the gun extended in their direction. Deputy Mayberry said that he fired one round at the suspect. The suspect continued toward the street, still pointing the handgun at them. Mayberry said he fired at second time at him. At about this time Deputy Mayberry heard other gunshots and saw Suspect Neal flinch, as if he had been shot. The suspect was now approximately three steps into the street and threw the gun back behind him with his right arm in a south westerly direction. Deputy Mayberry saw the gun land on the grass parkway as the suspect took about four more steps and went down to the ground.

TOBIN, Daniel J. Deputy #[redacted] 01-25-05 1157 Hours

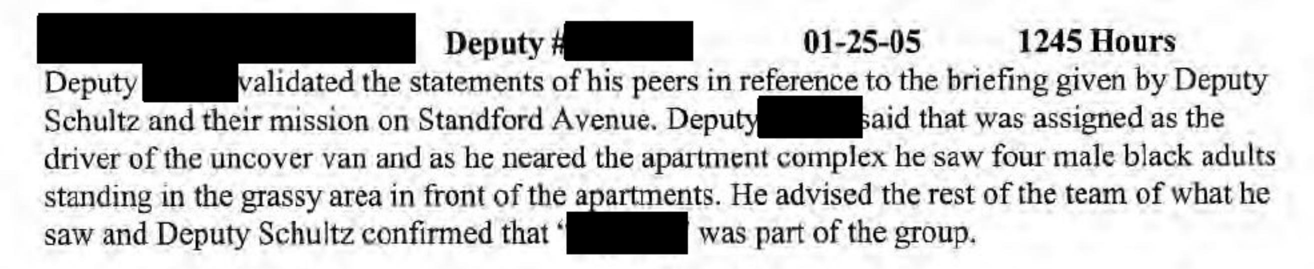
Deputy Tobin corroborated early statements concerning the briefing and instructions given by Deputy Schultz regarding the mission on Standford Avenue. Tobin said that he was specifically tasked with gathering as much information about the location as possible for potential search warrant.

Deputy Tobin said that Deputy Schultz told the team that if "[redacted]" was in front and they would take him into custody. Tobin said when the van stopped, he knew the radio car was also pulling up and believed it was safe to exit the van.

Deputy Tobin said he saw a male black running northbound in front of the apartment complex. As the first three Deputies exited the van, he heard a barrage of gunfire. The first deputies that exited the van, were concentrating their gunfire toward the north of the van. Tobin said that he saw the remaining male Blacks standing in front of the apartment complex were trying to get out of the way, and were attempting to get inside the apartments.

Deputy Tobin said he saw Deputy Schultz dive out of the van and Schultz, Sergeant Thrall and possibly others had shot at the suspect. He said that it wasn't until he got out of the van, that he saw the suspect (Neal) run across the parkway, with his right at his waistband and the gun pointed toward him. Tobin said that he feared for his life and fired one round at the suspect. Deputy Tobin said that he didn't see the suspect toss the gun, but did see the handgun on the grass after the shooting.

Deputy Tobin recalled that when the van initially arrived at the apartment complex, the van door opened and they yelled, "Sheriff's Department," as they exited.



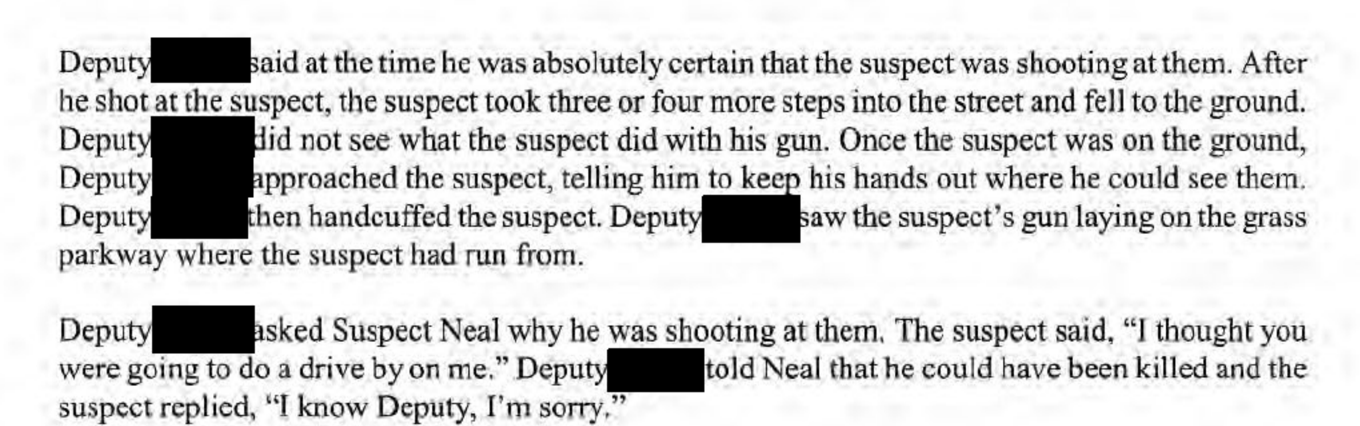
[redacted] Deputy #[redacted] 01-25-05 1245 Hours

Deputy [redacted] validated the statements of his peers in reference to the briefing given by Deputy Schultz and their mission on Standford Avenue. Deputy [redacted] said that was assigned as the driver of the uncover van and as he neared the apartment complex he saw four male black adults standing in the grassy area in front of the apartments. He advised the rest of the team of what he saw and Deputy Schultz confirmed that '[redacted] was part of the group.

He said the adult males did not appear to look in the direction of the radio car, but instead seemed to concentrate their attention on the van.

> ***IAB Note:*** At the time of the operation, Deputy [redacted] was wearing a short sleeve green Sheriff's polo shirt which had the word "Sheriff" stenciled across the back in gold colored letters and gold colored Sheriff's patches stenciled on the sleeves and a stenciled badge on the front of the shirt, a green long sleeve under the polo shirt, as well as a black leather Sam Browne. The front windshield, drivers and passenger windows were clear and had not been tinted.

As the van's right sliding passenger door started to open, he saw a male (Suspect Neal) run north across the grass, reach into his waistband and pull out a blue steel semi-automatic handgun and point it at the sliding door of the van. Deputy [redacted] exited the driver's side door and ran back to the back of the van where he saw the suspect running in a north easterly direction while reaching back with his gun. The suspect was approximately 15 feet away from him at this time. Deputy [redacted] believed that the suspect was shooting at them and returned fire. He said that he didn't see any muzzle flash, but heard the sounds of 3 to 4 gunshots as the suspect pointed the gun at him. He said that he believed he shot at the suspect three or four times.



Deputy [redacted] said at the time he was absolutely certain that the suspect was shooting at them. After he shot at the suspect, the suspect took three or four more steps into the street and fell to the ground. Deputy [redacted] did not see what the suspect did with his gun. Once the suspect was on the ground, Deputy [redacted] approached the suspect, telling him to keep his hands out where he could see them. Deputy [redacted] then handcuffed the suspect. Deputy [redacted] saw the suspect's gun laying on the grass parkway where the suspect had run from.

Deputy [redacted] asked Suspect Neal why he was shooting at them. The suspect said, "I thought you were going to do a drive by on me." Deputy [redacted] told Neal that he could have been killed and the suspect replied, "I know Deputy, I'm sorry."

Deputy [redacted] was asked if driving out of the kill zone was an alternative and he said "No." he believed because the vehicle had come to a stop and was in park, it would have taken too long to get out, as Neal was already pointing the gun at the open door.

BAYES, Robert E. #[redacted] 01-21-2005 1205 Hours

Deputy Bayes confirmed earlier statements made by his fellow GET deputies as to the briefing by Deputy Schultz and the mission. He also validated seeing the picture of [redacted] prior to leaving the station and that [redacted] was wanted from a prior search warrant. Bayes said Deputy Schultz provided the order the team was to exit from the van, which was Schultz, Sergeant Thrall, Mayberry, Tobin and then him.

Deputy Bayes was the last person to exit the undercover van and was charged with the detention of persons of interest, meaning Campanella Park Piru gang members and [redacted] if present. He was also given the responsibility of completing Field Interview Cards as needed. He said he was seated on the rear bench, adjacent to the sliding door. When asked, Deputy Bayes said that when the sliding door came open, anybody that was looking into the van, would have seen him.

> ***IAB Note:*** Bayes was dressed in a green Sheriff's polo shirt, with distinctive marking. Covering his chest and back, was a soft vest, which was also marked "Sheriff" in the front and back and additionally had a Sheriff's star on the front.

Deputy Bayes said Deputy Schultz was the first person out of the van, but doesn't remember, if Schultz had his gun out prior to the van door opening. He said that when the van door opened, he heard Sergeant Thrall and Deputy Schultz addressing the group, saying, "Sheriff's Department, Sheriff's Department." Approximately 2-3 seconds later he heard gunfire. Deputy Bayes was the last person to exit the van and was not sure which deputies fired their handgun, but heard approximately 15-20 gunshots. Bayes said that it sounded to him like someone was shooting at them. He could see the people running toward the apartment complex were not shooting at the deputies, so he assumed the person that ran north away from the apartments was the person shooting at them.

Deputies Bayes provided cover for Deputy Schultz, while he handcuffed "[redacted]", then backed out of their position and covered apartment #[redacted] Deputy Bayes did not fire his handgun during the incident.

POHL, Jeff Deputy #[redacted] 1-18-04 2255 Hours

Deputy Pohl attended the briefing that was given by Deputy Schultz. He was assigned to drive a marked black and white Sheriff's patrol car north on Standford Avenue in the direction of the location. Deputy Morse was also assigned to the black and white and was the front seat passenger. Deputy Pohl said the other members of the team were going to drive to the location in the uncover Sheriff's Department van. Deputy Pohl said that if there were gang members standing outside of the location, they would stop and attempt to identify them.

As Deputy Pohl drove north on Standford Avenue he saw approximately four individuals standing in front of the apartment complex. As they approached the location, Deputy Pohl said he never saw the individuals look in their direction. He saw the van drive south on Standford Avenue and stop in front of the location. They were approximately 30 yards south of the van at that time. From there location they could see individuals running and heard approximately six gunshots. They were unable to tell where the gunshots were coming from but could see three people running toward apartment #[redacted] and one person running north away from the apartments. Deputy Pohl, believed the shots were coming from the individuals running toward the apartment. He drove the patrol car north on Standford Avenue and stopped so that the van was between them and the apartment complex.

He and Deputy Morse exited the patrol car at which time they saw "[redacted]" lying on the ground and that Deputy Schultz was detaining him. Deputy Schultz told them two of the individuals had run into apartment #[redacted] Deputy Pohl said that he and Deputy Morse contained the location. Deputy Pohl said that neither Deputy Morse or himself discharged their weapons.

MORSE, Fredrick Deputy #[redacted] 03-18-04 2316 Hours

Deputy Morse said that he was part of the surveillance operation that was going to be conducted on Standford Avenue. They also knew that an individual by the name of "[redacted]" was suppose to be hanging out in front of the apartment complex and that he was wanted for a prior narcotic charge.

He was assigned to the marked black and white Sheriff's radio car, that he was the passenger and that Deputy Pohl was the driver. He said the plan was for him and his partner to drive north bound toward the apartment complex as the deputies in the undercover van drove south bound on Standford Avenue toward the complex. If there was no one in front of the apartment complex, they were to drive past the apartment complex and return to Century Sheriff Station. Deputy Morse said that during the operation, they would be on A-tac frequency.

He said they waited at the intersection of Compton and Standford, in their radio car, until they were given the go-ahead to roll to the location. They were advised to roll toward the apartment complex and as they did , he heard gun shots and saw three males running south and one male run north. He could not tell were the shots were coming from, but thought they were coming from the apartments. Morse told Pohl to drive past the surveillance van. They stopped north of the van, exited the radio car and took up a position of cover at the rear of the van. He saw a male Black lying in the street, north of the uncover van and there were two deputies standing next to him. Deputy Morse said he recalled the male that was lying in the street was the same person that he had seen running north bound from the apartments. Deputy Morse did not discharge his firearm during the operation.

Civilian Witnesses

Witness 1: [redacted] MB [redacted]

Witness 2: [redacted] MB [redacted]

> ***IAB Note:*** A canvas of the apartment complex was completed, however only two civilian witnesses could be located that actually either saw or heard anything, other than the sounds of gunshots.

Statements of Civilian Witnesses

[redacted] **a.k.a.** [redacted]

Mr. [redacted] said that he was outside of apartment # [redacted] drinking beer with a group of individuals that he did not identify. Mr. [redacted] said that one of the individuals had just gotten out of prison. Mr. [redacted] said that a van drove south on Standford Avenue, in front of the apartment complex and "it looked like the lights were off." Mr. [redacted] said that the sliding door of the van was partially open although he could not see the driver or the passengers. Mr. [redacted] believed the van stopped in front of the location for about 10-15 seconds and the group of individuals became concerned about the presence of the van in front of their apartment complex. Mr. [redacted] added that he and others had "been AK-47 over there" (a street term for being shot at by rivals with an AK-47 assault rifle). Mr. [redacted] said that he believed the van was part of a "normal drive by."

Seconds later Mr. [redacted] said the door to the van "slammed open" and he saw a shoulder patch of a Deputy Sheriff inside of the van. Within seconds of the door opening up, he heard the sounds of gunfire.

Mr [redacted] said that he held his hands up and then eventually was ordered to the ground. Mr. [redacted] was dragged out of the area by deputies for his own safety.

[redacted]

Mr. [redacted] said had been outside, in front of the location, drinking beer, but had gone back inside to use the phone. Mr. [redacted] said he was inside of the apartment, when he heard yelling, "get down get down," and then heard the sounds of gunfire from outside of the apartment complex. Mr. [redacted] believed the shooting was from a rival gang and "dove for cover on the floor," near the kitchen sink.

Mr. [redacted] did not see the van or the police car pull up and exited his apartment after the shooting. Mr. [redacted] said that the person who had been shot, had been standing outside of the apartment earlier, and identified him as "Jamma" an associate of the Campanella Park street gang.

PROPERTY DAMAGE

One bullet impact to the east wall of the location.
One bullet impact to an Isuzu Rodeo (CA LIC # [redacted]
One bullet hole to the hood of a Nissian Altima. (No plate)
One bullet hole to the left fender of a Chev Lumina (CA lic # [redacted]
(Refer to Book II, Page # 282 for additional information)

Weather and Lighting Conditions:

Clear weather. Per U.S. Naval Observatory Astronomical Applications Department; Sunset at 6:03 p.m. and end of civil twilight at 6:28 p.m. (Refer to print out in **Miscellaneous Documents** Section)

Lab Receipts: Refer to Book II, page # 282 thru 288 for Los Angeles County Sheriff's Department Scientific Services Bureau, Firearms Identification Section receipts and reports.

Criminal Investigator and Charges Filed:

Investigators: Sergeant John Corina, LASD Homicide, Assisted by Deputy Marc Schultz, Safe Streets Bureau. Compton Court

Compton Court Charges Filed:

6 counts of 664/187(a)PC and 6 counts of 245 (D) (2)PC

Status: Convicted of 12025(A) (2) PC, on 09-16-04, Sentenced to one year of summary probation, ending on 09-15-2005



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

August 31, 2004

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. # 04-0238
L.A.S.D. # 004-04834-2872-055

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 18, 2004, non-fatal shooting of Jamaal David Neal by Deputy Mark Schultz, Sergeant Johann Thrall, Deputy [redacted] Deputy Daniel Tobin and Deputy Thomas Mayberry of the Los Angeles Sheriff's Department (LASD). We find that the involved LASD personnel acted lawfully in self-defense and defense of each other.

The following analysis is based upon the reports relating to this matter submitted to this office on May 12, 2004 by Detective Sam Dendekker of the Los Angeles County Sheriff's Department Homicide Bureau. The District Attorney's Command Center was notified of this incident at 7:05 p.m. on March 18, 2004. Deputy District Attorney Christian Gullon and Senior Investigator [redacted] were notified by the Command Center and responded immediately to the scene. They were given a briefing and a walk-through of the scene by investigators from the Sheriff's Homicide Bureau. The deputies involved in the incident gave voluntary statements to investigators which were considered in our analysis.

FACTUAL ANALYSIS

On March 18, 2004, Deputy Mark Schultz was on duty and assigned to the Century Sheriff's Station Gang Enforcement Team. Schultz had received information from a [redacted] that "Campanella Park Piru" gang members were in area of an apartment complex located at [redacted] Stanford Avenue in Compton. The [redacted] reported that [redacted] and [redacted] were two of the gang members in the area. According to the [redacted]

[redacted] resided in apartment number [redacted] and may have had access to a shotgun and handgun.

Deputy Schultz was familiar with both of these individuals and was aware that [redacted] was wanted for a narcotics violation. Schultz briefed the Gang Enforcement Team concerning the information received from the [redacted] and an operation was planned to gather information and possibly attempt the apprehension of [redacted]

The Gang Enforcement Team decided to drive by the location in two vehicles. Two deputies, Fredrick Morse and Jeff Pohl would drive northbound on Stanford Avenue in a clearly marked, black and white, patrol vehicle while the remaining six deputies, Schultz, Johann Thrall, [redacted] Daniel Tobin and Thomas Mayberry would ride in an undercover van southbound on Stanford Avenue. The expectation was that [redacted] and those with them, would be distracted by the "black and white" and not notice the van, thereby granting the Gang Enforcement Team an element of surprise and provide officer safety.

All of the deputies were dressed in the normal Gang Enforcement Team uniform consisting of green Sheriff's polo-style shirt. [redacted] drove the undercover van while the remaining five deputies were in the rear portion secreted behind curtains that covered the windows. Schultz recognized [redacted] and it was decided they would stop to detain the individuals at the location.

Deputy Schultz was nearest the van's sliding door. When Deputy Mayberry opened the sliding door, Schultz observed one of the individuals reach into his waistband and start walking north bound from the group. Schultz twice yelled, "Sheriff's Department, let me see your hands." That individual, later identified as Jamaal David Neal, looked at Schultz, raised his right hand and pointed a handgun at him. Schultz believed Neal, who was 10-15 feet away, fired 3-4 shots at the Deputy and the van. Schultz fired five times at Neal. Schultz then turned his attention to [redacted] who had fallen to the ground, and handcuffed him.

Sergeant Thrall was at the van's sliding door alongside Schultz. Thrall was able to see the group in front of the apartments through one of the windows in the van. He saw Neal remove a handgun from his waistband and point it at the van. Simultaneously, the van door was opened. Thrall yelled out, "Sheriff's Department." Thrall then observed Neal continue pointing his gun at the deputies and saw muzzle flash as he was fired upon. Thrall was unaware of what Deputy Schultz was doing at the time. Thrall fired twice at Neal.

Deputy [redacted] was the driver of the van. He saw the group of individual's look at the van and "freeze." As the van's sliding door opened, [redacted] saw Neal run northbound, reach into his waistband, pull out a handgun, and point it at the sliding door of the van. [redacted] heard shots and saw Neal shooting but did not observe muzzle flashes. [redacted] exited the van via the driver's side door and ran toward the rear of the vehicle. Believing Neal was still shooting at Deputies [redacted] fired three times at Neal. Neal fell after taking 3 or 4 more steps [redacted] handcuffed Neal

and located the gun in the grass near Neal. [redacted] asked Neal why he was shooting at Deputies. Neal replied "I thought you were going to do a drive-by on me." Neal also told [redacted] that the gun [redacted] located was registered in his name.

Deputy Tobin exited the van after Schultz and Thrall. Tobin saw those deputies shooting in a northern direction. As he exited the van, Tobin saw Neal with his arm extended pointing a handgun in the Deputies' direction. Tobin fired one round at Neal. Tobin also heard Neal tell [redacted] about the handgun.

Deputy Mayberry was riding in the rear of the van and was responsible for opening the sliding door of the van. When Mayberry opened the door he saw Neal remove a handgun from his waist band and point it at the deputies. Mayberry thought he saw muzzle flashes, heard gunshots and saw Neal's gun recoil as if it had been fired. Mayberry fired twice at Neal.

All of the deputies indicated that Neal had pointed the handgun at them or other deputies. All of them also indicated that they feared for their safety and the safety of fellow deputies.

Neal's weapon was registered in his own name. Upon inspection by LASD firearms technician, Dale Higashi, it was determined to be a semi-automatic 40 caliber hand gun. The safety was in the "off" position. The magazine was found to be at capacity with 10 live 40 caliber rounds. There were no rounds in the chamber. No expended casing matching the 40 caliber gun was found at the scene of the shooting.

LEGAL ANALYSIS

It is well-established California law, that the use of deadly force in self-defense or in defense of others is justifiable if the person claiming the right to use self-defense actually and reasonably believed that he or the person being defended is in imminent danger of death or great bodily injury. People v. Williams, (1977) 75 Cal.App.3rd 731, People v. Glover, (1903) 141Cal. 233, 239 and People v. Ortiz (1923) 63 Cal.App. 662, 668.

Penal Code §§ 692-694 specifically authorize an individual protecting himself or another to use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. See also, CALJIC 5.30 , 5.32

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins, (1961) 189 Cal.App.2d 575.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo, (1948) 85 Cal.App.2d 577.

CONCLUSION

While it appears unlikely that Neal fired his weapon there is substantial evidence that he pointed the handgun at the deputies. The weapon was registered to Neal and when asked why he had shot at deputies he admitted that he believed he was being targeted in a "drive-by." Under these circumstances it was certainly reasonable for the officers to believe that in order to prevent serious injury or death, the use of deadly force was necessary. In fear for their lives and the lives of their partners, the deputies responded with deadly force wounding Jamaal David Neal and ending the threat. Therefore, we find that Deputies Schultz, Thrall, [redacted] Tobin and Mayberry acted in lawful self-defense and the defense of others. We are closing our file and will take no further action on this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

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c: Sgt. Johann Thrall, #[redacted]
Deputy Mark Schultz, #[redacted]
Deputy [redacted] #[redacted]
Deputy Daniel Tobin, #[redacted]
Deputy Thomas Mayberry, #[redacted]